IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4957 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JHALA NAVUBHA DASHUBHA VICE PRESIDENT

Versus

STATE OF GUJARAT

Appearance:

MR PS CHAMPANERI for Petitioner

Mr.A.J.Desai, learned A.G.P. for respondent No.1

No one appears for respondents Nos.2 and 3

despite service.

MR HS MUNSHAW for Respondent No. 4, 5

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 10/07/2000

ORAL JUDGEMENT

In the District Panchayat, Surendranagar, the Office of Vice President became available and a meeting

was convened to elect the new Vice President. In that meeting, 10 out of 22 Members left the meeting and the remaining 12 Members wanted to elect the Vice President. The District Development Officer, who was the Ex officio Secretary, objected to the holding of the election of Vice President. However, the present petitioner was elected. Said election was sought to be questioned by the D.D.O. before the higher authority. Apprehending any adverse order, the petitioner preferred present Special Civil Application before this Court. Rule and notice as to interim relief was issued by this court on 15.7.99 and, thereafter, on 24.8.99 interim relief was granted in terms of para 18(C) of the petition. The petitioner has been continuing as Vice President of the District Panchayat.

It is the common case of the parties that the term of the District Panchayat is over on 7.7.2000 and the Officer has been appointed to look after the affairs of the said District Panchayat.

In these facts, Mr. Champaneri, learned counsel for the petitioner, submits that the petition has now become infructuous after 7.7.2000. This Special Civil Application is accordingly dismissed as having become infructuous. Rule is hereby discharged. Ad interim order automatically stands vacated as the same is not even required to be continued in view of the expiry of the term of the District Panchayat. In the facts and circumstances of the case, no order as to costs.

(M.R.Calla,J)